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Human rights and unilateral coercive measures

Report by the Secretary-General**

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* A/56/150.
** The present report is being submitted on 20 July 2001 so as to include as much up-to-date information as possible.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 55/110 of 4 December 2000, in which the Assembly requested the Secretary-General to continue to collect views of Member States on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the Assembly at its fifty-sixth session.

2. In accordance with paragraph 8 of resolution 55/110, the Secretary-General, in a note verbale dated 4 May 2001, invited Member States to transmit information relevant to the subject matter.

3. As at 3 July 2001, replies had been received from the Governments of Cuba, the Democratic People's Republic of Korea and Jamaica. Those replies are reproduced below; any additional replies received will be included in an addendum to the present report.

II. Replies received from Governments

Cuba

[Original: Spanish]
[27 June 2001]

1. The Government of the Republic of Cuba attaches particular importance to the consideration of this issue by the General Assembly and the Commission on Human Rights. Each year, Cuba joins the group of States that co-sponsor the draft resolutions adopted in both those bodies condemning the application of unilateral coercive measures, essentially against developing countries.

2. The application of unilateral coercive measures as a means of political and economic compulsion is an attack on the identity of the State concerned and on its political, economic and cultural components. It also affects other sensitive areas such as the enjoyment of human rights by peoples subjected to such unilateral policies. Experience shows that the primary victims of coercive economic measures are vulnerable population groups, particularly children, women, older persons and the disabled.

3. The Commission on Human Rights has stated repeatedly that the application of unilateral coercive economic measures has a negative impact on the socio-economic indices of developing countries and prevents peoples subjected to such measures from fully enjoying their human rights.

4. The international community has systematically rejected the application of this policy, considering it to be a flagrant violation of the principles, goals and norms governing international trade.

5. There is no choice therefore but to condemn and demand the immediate repeal of laws of this kind adopted by the Government of the United States of America, such as the so-called Helms-Burton Act and the Torricelli Act, which are a direct attack on the enjoyment of human rights by the Cuban people, are incompatible with World Trade Organization (WTO) agreements and undermine ongoing efforts to make the multilateral trading system more equitable, secure, non-discriminatory, transparent and predictable.

6. The aforementioned laws are part of a criminal, genocidal policy of blockade imposed on Cuba by the United States for over 40 years, a policy which has been condemned repeatedly and systematically by an overwhelming majority of States Members of the United Nations.

7. The harm done to the Cuban people has been established before competent judicial authorities and abundantly documented in the reports submitted to the General Assembly each year by the Secretary-General under the item "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba".

8. The strategic objective of the blockade imposed by the United States on Cuba is the destruction of the process of political, social and economic change undertaken by the Cuban people in exercise of its right to self-determination.

9. Ten successive United States presidential administrations, members of the legislative branch, civil servants and official and unofficial representatives of the United States Government have resorted to all kinds of aggression against the Cuban Revolution, including political pressure to isolate it diplomatically, propaganda activities to discredit it, the encouragement of defection and illegal emigration, espionage, economic warfare and various forms of violent

aggression, including subversion, terrorist activities, sabotage, biological warfare, the encouragement of armed groups, the organization and execution of hundreds of plans to assassinate top Cuban Government leaders, military harassment, the threat of nuclear extermination and direct aggression using an army of mercenaries.

10. These practices blatantly contravene the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, contained in the annex to General Assembly resolution 2625 (XXV) of 24 October 1970, which provides, inter alia, that "No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind."

11. The use of a vast arsenal of economic and political instruments designed to break the Cuban people's resistance through poverty, scarcity, disease and hunger amounts to economic warfare and is a brutal violation of that people's rights to life, well-being and development.

12. It is unacceptable that the response of the United States Government to the international community's almost unanimous condemnation of its unilateral blockade against Cuba has been utter contempt, including the enactment of new laws, measures and provisions to tighten the blockade.

13. The Government of the United States of America, as part of its imperialistic drive for hegemony, maintains unilateral coercive measures against dozens of developing countries.

14. Cuba therefore firmly believes that it is more important than ever that the international community continue to condemn the use of such practices and that urgent action be taken to ensure effective compliance with the resolutions adopted by the General Assembly and the Commission on Human Rights condemning the application of unilateral coercive measures.

Democratic People's Republic of Korea

[Original: English]
[7 June 2001]

1. The Government of the Democratic People's Republic of Korea believes that the resort to unilateral coercive measures against individual countries constitutes the most undisguised violation of human rights of which the main purpose is to infringe upon national sovereignty.

2. The United States of America has imposed unilateral sanctions upon the Democratic People's Republic of Korea, thus severely impeding the latter's economic and social development.

3. The Government of the Democratic People's Republic of Korea strongly demands that the United States lift its unilateral coercive measures against several sovereign States throughout the world.

4. The United Nations should pay due attention to the fact that the United States remains determined to influence international relations through the continued implementation of arbitrary measures despite the opposition manifested by the international community.

Jamaica

[Original: English]
[3 July 2001]

1. The Government of Jamaica has supported the many resolutions of the United Nations calling on States to respect and safeguard measures, including unilateral coercive measures, which create obstacles to the full enjoyment of human rights by peoples and individuals under the jurisdiction of other States.

2. Jamaica adheres firmly to the principle of sovereign equality of States and attaches great importance to the principles enshrined in the Charter of the United Nations.

3. Jamaica has not adopted any law or measure that could impact territorially on the sovereignty of any State, the legitimate interest of nations or hinder the right to development, which is considered an essential element of human rights.

4. The Government of Jamaica is strongly opposed to the extraterritorial application of national legislation that could undermine the sovereignty of States.

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Programme budget for the biennium 2000-2001

Effectiveness of the functioning of the Unit for Landlocked Developing Countries and Small Island Developing States

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Secretary-General of the United Nations Conference on Trade and Development pursuant to paragraph 103 of resolution 54/249 of 23 December 1999.

* A/56/150.

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Report of the Secretary-General of the United Nations Conference on Trade and Development on the effectiveness of the functioning of the Unit for Landlocked Developing Countries and Small Island Developing States

I. Introduction

1. In its resolution 54/199 of 22 December 1999, the General Assembly noted with appreciation the contribution of the United Nations Conference on Trade and Development (UNCTAD) to formulating international policies and measures dealing with the special problems of landlocked developing countries, and urged the Conference, inter alia, to keep under constant review the evolution of transit transport infrastructure facilities, institutions and services, monitor the implementation of agreed measures, promote regional and subregional cooperation, build up consensus on cooperative arrangements, mobilize international support measures and serve as a focal point for cross-regional issues of landlocked developing countries.

2. In its resolution 54/224 of 22 December 1999, on the implementation of the outcome of the Global Conference on the Sustainable Development of Small Island Developing States, held in Bridgetown from 25 April to 6 May 1994,[1] the General Assembly called upon UNCTAD to give substantive consideration in its work to the Declaration and review document adopted at the twenty-second special session of the Assembly (see resolution S-22/2, annex). In paragraph 35 of the Declaration, the Assembly urged UNCTAD to pursue its ongoing comprehensive examination of the impact of globalization and trade liberalization on the economies of small island developing States.

3. In its resolution 55/181 of 20 December 2000, the General Assembly invited the Secretary-General of UNCTAD and the Governments concerned, in cooperation with the United Nations Development Programme, relevant regional commissions and regional and international organizations and in accordance with approved programme priorities and within existing financial resources, to continue to elaborate a programme for improving the efficiency of the current transit environment in the newly independent and developing landlocked States in Central Asia and their transit neighbours; and invited UNCTAD, in close cooperation with the regional commissions within their respective mandates and current resources, as well as with other relevant international organizations, to provide technical assistance and advisory services to the newly independent landlocked States in Central Asia and their transit developing neighbours, taking into account the relevant transit transport agreements.

4. In paragraph 161 of the Bangkok Plan of Action, adopted by UNCTAD at its tenth session, the Conference recalled that, in addition to the least developed countries, the Office of the Special Coordinator addressed the needs of landlocked, transit and small island developing countries and was called upon to facilitate the implementation of the Global Framework for Transit Transport Cooperation between Landlocked and Transit Developing Countries and the Donor Community[1] endorsed by the General Assembly in its resolution 50/97 of 20 December 1995.

5. In its resolution 54/199, the General Assembly invited the Secretary-General of the United Nations, in consultation with the Secretary-General of UNCTAD, to take appropriate measures for the effective implementation of the activities called for in the resolution and to provide, in accordance with resolution 52/183 of 18 December 1997, the Office of the Special Coordinator for Least Developed, Landlocked and Island Developing Countries of UNCTAD with adequate resources so as to allow it to implement effectively its mandate to continue to support landlocked developing countries.

6. In paragraph 103 of its resolution 54/249, the General Assembly decided to re-establish the unit for landlocked developing countries and small island developing States within the Office of the Special Coordinator, and to establish one P-5, two P-4, one P-3 and three General Service posts related thereto, and requested the Secretary-General to report on the effectiveness of the functioning of the unit before the end of the biennium 2000-2001. The present report is submitted pursuant to that request.

7. The necessary action was taken to fill the posts in the Unit for Landlocked Developing Countries and Small Island Developing States following its re-establishment. All posts of the Unit are encumbered and the Unit is functioning effectively with the range of activities described in paragraphs 8-23 below.

II. Activities taken by the Unit for Landlocked Developing Countries and Small Island Developing States

8. Following the decision by the General Assembly to re-establish the Unit for Landlocked Developing Countries and Small Island Developing States, the activities of the Office of the Special Coordinator related to the particular needs and problems of 30 landlocked developing countries and 44 small island developing States have expanded and intensified with a view to improving the participation and accelerated integration of the two groups of countries into the global economy through internationally agreed support measures and special recognition on grounds of vulnerability.

9. During the current biennium, as a focal point within the United Nations system for activities in favour of landlocked developing countries, the Office of the Special Coordinator continued to formulate, monitor and implement specific actions related to the particular needs and problems of landlocked developing countries. It also continued to formulate and implement technical cooperation projects aimed at increasing the efficiency of external trade transactions in close cooperation with United Nations entities, regional commissions and other relevant international and professional organizations.

10. The Office of the Special Coordinator continued to review the evolution of transit transport infrastructure facilities, institutions and services and monitored the implementation of agreed measures. In that context, the Office prepared the report of the UNCTAD secretariat on recent developments in transit transport systems of landlocked and transit developing countries to be submitted to the Fifth Meeting of Governmental Experts from Landlocked and Transit Developing Countries and Representatives of the Donor Countries and Financial and Development Institutions, to be held in New York from 30 July to 3 August 2001. It has also commissioned four case studies on recent developments of transit transport systems in South-East Asia, South Asia, Latin America and southern and eastern Africa, as well as a study entitled "Infrastructure development in landlocked and transit developing countries: foreign aid, private investment and the transport cost burden on landlocked developing countries". Those studies will also be submitted to the Fifth Meeting of Governmental Experts.

11. The Office of the Special Coordinator has ensured organizational and substantive preparations for the Fifth Meeting of Governmental Experts, including mobilizing extrabudgetary resources to finance the participation of experts from landlocked and transit developing countries.

12. The Office of the Special Coordinator continued to assist the landlocked and transit developing countries in their efforts to improve further the legal framework governing transit transport operations. It has been promoting subregional transit traffic framework agreements, which can be effective tools for transit transport facilitation. In particular, since 2000, the Office has been assisting the Governments of China, Mongolia and the Russian Federation in negotiating a draft transit traffic framework agreement. It provided substantive and organizational support to the first and second negotiating sessions on the above draft agreement, held in May 2000 in Ulaanbaatar and in January 2001 in Tianjin, China, respectively. A third meeting is scheduled to take place in September 2001 in Irkutsk, Russian Federation.

13. The Office of the Special Coordinator has been active in assisting the newly independent landlocked States and their transit developing neighbours in assessing and formulating policies and actions aimed at developing the transit environment in Central Asia. In 2000, it prepared the report of the UNCTAD secretariat on the transit environment in the landlocked States of Central Asia and their transit developing neighbours for submission to the General Assembly at its fifty-fifth session (A/53/331, annex).

14. The Office of the Special Coordinator has further promoted subregional cooperative arrangements in the area of transit transport and provided support at the country and subregional levels. This enabled the Office to establish the necessary links between global and subregional meetings dealing with the particular needs of landlocked developing countries. In particular, pursuant to General Assembly resolution 54/199 and at the request of the Government of the Lao People's Democratic Republic, the UNCTAD secretariat in December 2000 organized the first consultative meeting on transit transport systems of the Lao People's Democratic Republic. The meeting was attended by senior officials from its transit neighbours, namely, Cambodia, China, Myanmar, Thailand and Viet Nam, and representatives of donor countries and relevant international organizations. The meeting

adopted the Vientiane Plan of Action, which contains specific and action-oriented measures designed to improve both physical and non-physical aspects of the transit transport systems of South-East Asia. The report of the above consultative meeting, together with the Vientiane Plan of Action, will be submitted to the Fifth Meeting of Governmental Experts and subsequently to the General Assembly at its fifty-sixth session. The implementation of the Vientiane Plan of Action will be reviewed at the second consultative meeting during the first quarter of 2003.

15. The Office of the Special Coordinator has also provided assistance to the United Republic of Tanzania and Zambia in their efforts to establish a road traffic information system, which is an important element of the programme of the Southern African Development Community to improve transport and transit systems in southern Africa.

16. The Office of the Special Coordinator has been active in assisting the landlocked developing countries in their efforts to participate effectively in intergovernmental deliberations within the United Nations, including by providing assistance, upon request, to strengthen the negotiating capabilities of landlocked developing countries vis-à-vis their transit neighbours. In particular, in 2000, the Office provided substantive assistance to the group of landlocked developing countries in organizing the First Ministerial Meeting of Landlocked Developing Countries, which adopted a ministerial communiqué. It also provided substantive support to the landlocked least developed countries in preparing their national programmes of action for the decade 2001-2010, which were submitted to the Third United Nations Conference on the Least Developed Countries held in Brussels from 14 to 20 May 2001.

17. During the current biennium, the Office of the Special Coordinator has also intensified its support to the implementation of the Programme of Action for the Sustainable Development of Small Island Developing States[2] of the Global Conference on the Sustainable Development of Small Island Developing States, with a view to increasing the chances of small island developing States to find new economic opportunities in the global economy and avoid their further marginalization.

18. The Office of the Special Coordinator continued to provide analytical work on the economic vulnerability of small island developing States. It has contributed to the work of the Committee for Development Policy related to vulnerability indicators and graduation of small island least developed countries from the list of least developed countries. In the context of the latest triennial review of the list of least developed countries in 2000, the Office provided the Committee with vulnerability profiles of four small island developing States, Cape Verde, Maldives, Samoa and Vanuatu, that have been near graduation thresholds. Those profiles have cast light on aspects of the vulnerability of States that are not measurable through the standard indicators used for determining the list of least developed countries.

19. The Office of the Special Coordinator has also intensified its support to small island developing States in their efforts to reduce their structural economic handicaps resulting from smallness and remoteness through action to increase economic efficiency and competitiveness. This has involved technical assistance in the areas of trade information and electronic commerce, customs and maritime transport efficiency and services used as inputs to competitive exports.

20. The Office of the Special Coordinator has also assisted small island developing States in their efforts to improve economic specialization in view of globalization forces, either to increase the competitiveness of existing activities or to induce re-specialization by seizing new trading opportunities. This has involved providing policy advice on new trading opportunities and investment and research and technical assistance on economic sectors of particular interest to small island developing States, such as those relevant to the biodiversity and industries based on traditional knowledge and to international services. In the latter area, particular attention has been given to tourism, health services, offshore financial services and services related to the music industry.

21. In the context of its advocacy of a positive agenda for developing countries in the multilateral trade system, UNCTAD has been helping small island developing States that are members of the World Trade Organization (WTO) to derive greater economic opportunities from that system (preparations for negotiations). Small island developing States that are not members of WTO were assisted either to prepare for accession or to understand better what net benefits they might gain from joining the Organization. In accordance with paragraph 133 of the Bangkok Plan of

Action, UNCTAD has been assisting small island developing States in their preparations for the WTO negotiations on agriculture.

22. In the context of the preparations for the Third United Nations Conference on Least Developed Countries, the Office of the Special Coordinator assisted the 10 least developed small island developing States in the preparation of their national programmes of action for the decade 2001-2010. Special attention was also given to small island developing States at the high-level meeting on tourism in the least developed countries, held in the Canary Islands, Spain, from 26 to 29 March 2001, which was organized jointly by UNCTAD and the World Tourism Organization as part of the preparation for the Third United Nations Conference. In that context, UNCTAD brought to the attention of the international community the fact that the single most important factor explaining the progress demonstrated by the four small island least developed countries that are potential graduation cases is tourism and its catalytic development impact.

23. In addition to the above activities, the Office of the Special Coordinator has backstopped or implemented a range of technical cooperation activities in several small island developing States. This has included, inter alia, policy advice on the competitiveness of the manufacturing sector, and training on offshore financial services regulation in one Caribbean country; trade policy advice to small island developing States in the Caribbean and the Pacific; investment policy advice to such States in the Indian Ocean and the Pacific; and support to Pacific States in the formulation of a model law on intellectual property rights related to biodiversity.

III. Future role of the Unit for Landlocked Developing Countries and Small Island Developing States

24. Following the adoption of General Assembly resolution 54/249, the mandate of the Office of the Special Coordinator to support landlocked developing countries and small island developing States was reiterated and expanded. The UNCTAD secretariat, in particular the Office of the Special Coordinator, will continue to implement its mandate in an effective manner to assist the two groups of countries.

25. The Bangkok Plan of Action provided an additional mandate to the Office of the Special Coordinator to monitor and facilitate implementation of the Global Framework for Transit Transport Cooperation between Landlocked and Transit Developing Countries and the Donor Community. The Office is also expected to ensure organizational and substantive preparations for the proposed international ministerial meeting on transit transport cooperation to be held in 2003 in Kazakhstan. In its resolution 55/202 of 20 December 2000, the General Assembly invited UNCTAD, within its mandate, to reflect measures for the implementation of the Programme of Action for the Sustainable Development of Small Island Developing States in its programme, and to assist small island developing States in their efforts to enhance their capacities to effectively utilize the benefits and mitigate the negative implications of globalization. The Office of the Special Coordinator will therefore intensify its work along those lines, with particular reference to monitoring and analysing the vulnerability of small island developing States and enabling the Committee for Development Policy and the Economic and Social Council to make sound recommendations regarding the graduation of small island least developed countries from the list of least developed countries. The Office has been also requested to prepare a vulnerability report on small island developing States as a group. Those expanding mandates related to landlocked developing countries and small island developing States will have an impact on the future workload and resource situation of the Unit for Landlocked Developing Countries and Small Island Developing States.

26. The Secretary-General has included in his proposed programme budget for the biennium 2002-2003 for UNCTAD a proposal to redeploy one P-4 post to the Office of the Special Coordinator in order to enable it to address more effectively the concerns of landlocked and transit developing countries.

Notes

[1] Report of the Global Conference on the Sustainable Development of Small Island Developing States, Bridgetown, Barbados, 25 April-6 May 1994 (United Nations publication, Sales No. E.94.I.18 and corrigenda).

[2] Ibid., chap. I, resolution 1, annex II.